IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

LA.App..No. 880 of 2001()

LAR.531/1997 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS:

1.A.C.RAJAMMAL, 'DWARAKA', VALLALAM P.O.
CALICUT.

2.O.RAJAKUMARI, -DO-

3.A.C.YAMUNA, -DO-

BY ADV. SRI.THOMAS ANTONY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.880 OF 2001

Dated 7th September, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in L.A.R.No.531/97 on the file of the Sub Court, Kozhikode. Though the learned Government Pleader vehemently contended regarding the land value, having regard to the fact that in several similar cases, this Court has sustained the land value as granted by the Reference Court, it is not necessary to refer to those contentions and deal the same on merits. However, regarding the grant of Section 23(1A) benefit, it is seen that the Reference Court has committed a mistake. The earlier date being the date of taking possession, Section 23(1A) benefit has to be limited only upto that period. Therefore, the judgment and decree in L.A.R.No.531/97 is modified to the extent that the

claimants shall be entitled to Section 23(1A) benefit only upto the date of taking possession.

The appeal is partly allowed as above.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO.880 OF 2001

J U D G M E N T

Dated 7th September, 2007.